

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Stephen Mark MUELLER et al.  
Group Art Unit : 2146  
Appl. No. : 10/628,248  
Examiner : B.R. Bruckart  
Filed : July 29, 2003  
Confirmation No. : 5445  
For : PRESENCE ENHANCED TELEPHONY SERVICE ARCHITECTURE

**AMENDMENT UNDER 37 C.F.R. § 1.116**

Commissioner for Patents  
U.S. Patent and Trademark Office  
Customer Service Window, Mail Stop AF  
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Sir :

In response to the Final Official Action dated August 22, 2008, in which a three-month shortened statutory period for response was set to expire on November 24, 2008, (since November 22, 2008, is a Saturday), the present Amendment being submitted within two months of the mailing date of the Final Official Action (i.e., on or by October 22, 2008), Applicants respectfully request reconsideration of all the claims pending in the present application.

**Amendments to the Claims** begin on page 2 of this paper.

**Remarks/Arguments** begin on page 9 of this paper.

### **AMENDMENTS TO THE CLAIMS**

Upon entry of the present amendment, the status of the claims will be as is shown below.

This listing of claims replaces all previous versions and listings of claims in the present application.

#### **Listing of Claims**

1. (Currently Amended) A system for providing a presence component in a telecommunications network in which a session to a session terminator is requested by a session initiator upon receiving an instruction from a user, the system comprising:

a presence server configured to receive a request for presence information from a requestor, which is configured to receive a session request from the session initiator and to generate the request for presence information, and to process the request by comparing the session initiator's identity to preferences of the session terminator and sending a preferred treatment dictated by the preferences to the requestor; and

service logic for requesting session parameters from the session initiator; and

a collector configured to collect information from the session initiator;

~~wherein the session is initiated or rejected based upon the preferred treatment dictated by the preferences of the session terminator, which include one preference selected from the group consisting of accepting the session request, rejecting the session request or directing the session initiator to a message storage system;~~

wherein, based upon the preferred treatment dictated by the preferences of the session terminator, the session is initiated by accepting the session request, rejected by rejecting the session request, deferred by directing the session initiator to a message storage system, or engaged in a dynamic information collection mode wherein additional information is

dynamically collected from the session initiator through an interactive voice response conversation, the additional information including at least one of a session subject, session urgency, or session type, the additional information then being used to determine if the session is initiated by accepting the session request, rejected by rejecting the session request, or deferred by directing the session initiator to a message storage system; and

wherein control and privacy of the session is given to the session terminator.

2. (Canceled)

3. (Currently Amended) The system of claim 1 [[2]], in which the session initiator further comprises a user agent client that forwards the request to the requestor, and a call user agent client that initiates the session.

4. (Previously Presented) The system of claim 1, in which the session initiator further comprises a call user agent client that initiates the session and a trigger generator that generates a trigger message.

5. (Original) The system of claim 4, in which the session initiator initiates the session by sending an INVITE message to the session terminator based upon the preferred treatment.

6. (Canceled)

7. (Currently Amended) The system of claim 1, further comprising:

a session initiation protocol (~~SIP~~) proxy server including service logic that receives the session request from the session initiator, wherein the ~~SIP~~ session initiation protocol proxy server initiates the session by sending an INVITE message to the session terminator based upon the preferred treatment.

8. (Canceled)

9. (Previously Presented) The system of claim 1, further comprising:

a session controller configured to control initiation of the session.

10-12. (Canceled)

13. (Currently Amended) A system for providing a presence component in a wireless telecommunications network in which a session is requested by a mobile device, the system comprising:

a requestor configured to receive a session request and preferred session parameters from the mobile device and to generate a request for presence information; and

a presence server configured to receive the request for presence information and to process the request by comparing the mobile device's identity to preferences of a session terminator and sending a preferred treatment dictated by the preferences session-set-up information to the requestor to set up the session,

~~wherein the session is initiated or rejected based upon the session set-up information dictated by the preferences of the session terminator, which include one preference selected from~~

the group consisting of accepting the session request, rejecting the session request, or directing the mobile device to a message storage system;

wherein, based upon the preferred treatment dictated by the preferences of the session terminator, the session is initiated by accepting the session request, rejected by rejecting the session request, deferred by directing the session initiator to a message storage system, or engaged in a dynamic information collection mode wherein additional information is dynamically collected from the session initiator through an interactive voice response conversation, the additional information including at least one of a session subject, session urgency, or session type, the additional information then being used to determine if the session is initiated by accepting the session request, rejected by rejecting the session request, or deferred by directing the session initiator to a message storage system; and

wherein control and privacy of the session is given to the session terminator.

14. (Previously Presented) The system of claim 13, wherein the requestor resides in the wireless network, the requestor forwarding the session request, including the preferred session parameters to the presence server.

15. (Previously Presented) The system of claim 14, in which the mobile device comprises:

a user agent client that forwards the session request to the requestor and prompts a user to enter the preferred session parameters, the user agent client receiving the session set up information from the requestor; and

a call user agent client that initiates the session based on the session set up information, which is received from the user agent client.

16. (Currently Amended) A method for incorporating presence into a telecommunications environment, the method comprising:

receiving a session request and preferred session parameters from a session initiator in response to a user instruction;

generating a request for presence information in response to the received session request;

sending the request for presence information to a presence platform to obtain presence information for another telecommunications user;

receiving preferred treatment information from the presence platform; and

~~initiating or rejecting a telecommunications session with the other telecommunications user in response to the obtained presence information and the preferred treatment information dictated by the preferences of the other telecommunications user, which include one preference selected from the group consisting of accepting the session request, rejecting the session request, or directing the session initiator to a message storage system;~~

determining the outcome of the session request;

wherein, based upon the preferred treatment from the presence platform, the session is initiated by accepting the session request, rejected by rejecting the session request, deferred by directing the session initiator to a message storage system, or engaged in a dynamic information collection mode wherein additional information is dynamically collected from the session initiator through an interactive voice response conversation, the additional information including at least one of a session subject, session urgency, or session type, the additional information then

being used to determine if the session is initiated by accepting the session request, rejected by rejecting the session request, or deferred by directing the session initiator to a message storage system; and

wherein control and privacy of the session is given to the other telecommunications user.

17. (Original) The method of claim 16, further comprising:

forwarding preferred session parameters to the presence platform; and

determining the presence information based on the preferred session parameters.

18. (Currently Amended) The method of claim 16, in which the obtained presence information comprises instructions to forward to voice mail, and in which the message storage system comprises voice mail ~~initiating further comprises connecting to the voice mail.~~

19. (Currently Amended) The method of claim 16, in which the obtained presence information indicates that the session terminator is unavailable or busy, and  
in which the initiating further comprises not initiating the session and informing the session initiator that the session request was rejected.

20. (Canceled)

21. (Canceled)

22. (Previously Presented) The system of claim 1, wherein the session can be initiated solely on a presence identity of the session terminator.

23. (Previously Presented) The system of claim 13, wherein the session can be initiated solely on a presence identity of the session terminator.

24. (Previously Presented) The method of claim 16, wherein the session can be initiated solely on a presence identity of the other telecommunications user.



**REMARKS/ARGUMENTS**

This amendment is being made to advance the prosecution of the application to allowance, with each of the independent claims being amended to clearly distinguish over the applied prior art. Applicants believe that this amendment should be entered and does not raise new issues that would require further consideration and/or search since the amendment distinguishes how the telecommunication session is handled based on the preferences of the session terminator, which has been previously analyzed significantly by the Examiner in the previous Official Actions.

Upon entry of the amendment, claims 1, 3, 7, 13, 16, 18, and 19 are amended, and claims 2, 6, 20, and 21 are canceled. Claims 8 and 10-12 were previously canceled. Accordingly, upon entry of the amendment, claims 1, 3-5, 7, 9, 13-19, and 22-24 are currently pending.

In the Final Official Action, Claims 1-4, 6, 9, 13-14, 16-17, and 20-24 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over FURLONG et al. (U.S. Patent Application Publication No. 2003/0028621 A1) in view of PESSI et al. (U.S. Patent Application Publication No. 2004/0083291 A1).

Claims 5 and 7 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over FURLONG in view of PESSI, and further in view of LILLIE et al. (U.S. Patent Application No. 2004/0131042 A1).

Claims 15 and 19 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over FURLONG in view of PESSI, and further in view of LEI et al. (U.S. Patent Application No. 2004/0203664 A1).

Claim 18 was rejected under 35 U.S.C. § 103 (a) as being unpatentable over FURLONG in view of PESSI, and further in view of HIRI et al. (U.S. Patent No. 7,123,707 B1).

In the Final Official Action, Claims 1-4, 6, 9, 13-14, 16-17, and 20-24 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over FURLONG in view of PESSI. Upon entry of the present amendment, each of the independent claims are amended.

A distinction between claims 1, 13, and 16 and the documents applied in the Official Action is that based upon the preferred treatment dictated by the preferences of the session terminator, the session request results in one of four possible outcomes. The session can be either initiated by accepting the session request, the session can be rejected by rejecting the session request, the session can be deferred by directing the session initiator to a message storage system, or the session can be engaged in a dynamic information collection mode.

This distinction is further defined in that the dynamic information collection mode causes additional information to be dynamically collected from the session initiator. The dynamic collection is implemented through an interactive voice response conversation with the session initiator during which additional information including at least one of a session subject, session, urgency, or session type is collected. The additional information is then used to determine if the session is initiated by accepting the session request, rejected by rejecting the session request, or deferred by directing the session initiator to a message storage system.

The Official Final Action pointed to FURLONG's paragraphs [0030]-[0032] as disclosing how a session request is handled based upon the preferences of a session terminator. In these paragraphs, FURLONG discloses that subscriber preferences are used to either allow or deny subscriber access by individuals attempting to contact a subscriber. However, FURLONG fails to disclose the possible session outcome of deferring the session by directing the session initiator to a message storage system or the possible session outcome of engaging in a dynamic

information collection mode. Additionally, PESSI also fails to disclose these possible session outcomes as well.

Further, since neither FURLONG nor PESSI disclose the possible outcome of engaging in a dynamic information collection mode, these references clearly fail to disclose the specific implementation of the claimed dynamic information collection mode. More specifically, FURLONG and PESSI fail to disclose a dynamic collection that is implemented through an interactive voice response conversation with the session initiator during which additional information including at least one of a session subject, session, urgency, or session type is collected. The applied references also fail to disclose that the additional information is then used to determine if the session is initiated by accepting the session request, rejected by rejecting the session request, or deferred by directing the session initiator to a message storage system.

As stated above, these features are included in each of the amended independent claims 1, 13, and 16. FURLONG and PESSI fail to disclose, teach, or render obvious independent claims 1, 13, and 16, as amended. Further, these features are not disclosed, taught, or rendered obvious by any combination of applied prior art including LILLIE, LEI, or HIRI, which were previously applied to various dependent claims. Accordingly, Applicants respectfully request that the rejection of independent claims 1, 13, and 16 be withdrawn since the claims are directed to patentable subject matter. Also, since claims 3-5, 7, 9, 14, 15, 17-19, and 22-24 depend either directly or indirectly from one of independent claims 1, 13, or 16, Applicants further request that the rejection of these claims be withdrawn for at least the reasons stated above and further for the features recited therein.


SUMMARY

From the amendments, arguments, and remarks provided above, Applicants believe that all of the pending claims in the present application are patentable over the references cited by the Examiner, either alone or in combination. Accordingly, reconsideration of the outstanding Final Official Action is respectfully requested and an indication of the allowance of claims 1, 3-5, 7, 9, 13-19, and 22-24 is now believed to be appropriate.

Applicants note that this amendment is being made to advance prosecution of the application to allowance, and should not be considered as surrendering equivalents of the territory between the claims prior to the present amendment and the amended claims. Further, no acquiescence as to the propriety of the Examiner's rejections is made by the present amendment. All other amendments to the claims which have been made by this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should there be any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully Submitted,  
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